

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-255-C - ORDER NO. 98-696
SEPTEMBER 14, 1998

IN RE: Application of Green's Jewelers, Inc. DBA) ORDER
Fast Phones for a Certificate of Public) APPROVING
Convenience and Necessity to Provide Local) CERTIFICATE
Telecommunications Services Statewide.)
)

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of the Application of Green's Jewelers, Inc. DBA Fast Phones ("Green's" or "the Company") for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services within the State of South Carolina. The Application was filed pursuant to S.C. Code Ann. § 58-9-280 and the Regulations of the Commission.

By letter, the Commission's Executive Director instructed Green's to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. Green's complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

A Petition to Intervene was received from the South Carolina Telephone Coalition ("SCTC"). On June 23, 1998, Counsel for SCTC filed with the Commission a Stipulation in which Green's stipulated that it would only seek authority in non-rural local exchange ("LEC") service areas of South Carolina and that it would not provide any local service to any customer located in a rural incumbent's service area, unless and until Green's provided written notice of its intent prior to the date of the intended service. Green's also stipulated that it was not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas. Green agreed to abide by all State and Federal laws and to participate to the extent it may be required to do so by the Commission in support of universally available telephone service at affordable rates. The SCTC withdrew its opposition to the granting of a statewide Certificate of Public Convenience and Necessity to Green's provided the conditions contained in the Stipulation are met. The Stipulation is approved and attached as Order Exhibit 1.

A hearing was commenced on August 12, 1998, at 11:30 a.m., in the Commission's Hearing Room. The Honorable Philip T. Bradley, Chairman, presided. Green's was represented by John J. Pringle, Esquire. F. David Butler, General Counsel, represented the Commission Staff.

Wayne Green of the Company, appeared and offered testimony in support of Green's application. The purpose of Green's testimony was to explain the local exchange services Green's proposes to offer in South Carolina and to review Green's qualifications to provide such services.

DISCUSSION

S.C. Code Ann. § 58-9-280 (Supp. 1997) provides that the Commission may grant a certificate to operate as a telephone utility...to applicants proposing to furnish local telephone service in the service territory of an incumbent LEC.

After full consideration of the applicable law, Green's application, and evidence submitted by Green's, the Commission finds and concludes that the Certificate sought by Green's should be granted. The Commission's determination is based on the following criteria as provided in S.C. Code Ann. § 58-9-280 (Supp. 1997) and the evidence submitted in support of the Application which relates to that criteria:

1. The Commission finds that Green possesses the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. § 58-9-280(B)(1) (Supp. 1997). The testimony also reveals that Green's is financially able to provide telecommunications services in South Carolina and that Green's expects its services in South Carolina to yield a sufficient margin to retain or improve profitability. Based on the undisputed testimony of Green, the Commission finds that Green's possess the technical, financial, and managerial resources sufficient to provide the services requested.

2. The Commission finds that Green will provide services which will meet the service standards of the Commission. S.C. Code Ann. § 58-9-280(B) (Supp. 1997). Green's testimony indicated that Green's seeks to provide intrastate local telecommunications services. Green indicated that Green's will comply with all applicable rules, policies and statutes applicable to the offering of those services. Based on the undisputed testimony of

Green, the Commission believes, and so finds, that Green's will provide telecommunications services that will meet the service standards of the Commission.

3. The Commission finds that Green's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. § 58-9-280(B)(3) (Supp. 1997). Green's testimony reveals that Green's believes that approval of its Application will further the public interest by increasing the level of local competition in South Carolina by offering quality prepaid local services to many customers who were unable to otherwise obtain local service due to previous disconnections or substandard credit. Therefore, based on the undisputed evidence of record, the Commission finds that provision of local exchange services by Green's will not adversely impact affordable local exchange service.

4. The Commission finds that Green's will support universally available telephone service at affordable rates. S.C. Code Ann. § 58-9-280(B)(4) (Supp. 1997). Green's agreed in the Stipulation with the SCTC to participate in the support of universally available telephone service at affordable rates as required by State and Federal laws and as required by the Commission's Rules and Regulations. Further, Green stated that Green's would comply with the Commission's universal service requirements and will contribute to universal service mechanisms on the State and Federal levels. Based on the undisputed evidence of record, the Commission finds that Green's will participate in support of universally available telephone service at affordable rates.

5. The Commission finds that the provision of local exchange service by Green's "does not otherwise adversely impact the public interest." S.C. Code Ann. § 58-9-

280(B)(5) (Supp. 1997). Green offered testimony that the approval of Green's application will increase the availability of affordable local services for South Carolina's local market. Further, Green stated that Green's entrance into the market will increase competition which in turn will offer consumers in South Carolina a wider range of product offerings, innovative technologies, and improvements in the quality of service. Therefore, based on the undisputed evidence of record, the Commission finds that approval of Green's Application to provide local exchange service "does not otherwise adversely impact the public interest." S.C. Code Ann. § 58-9-280(B)(5) (Supp. 1997).

Therefore, based on the findings above, the Commission finds and concludes that a Certificate of Public Convenience and Necessity should be granted to Green's.

IT IS THEREFORE ORDERED THAT:

1. The Application of Green's for a Certificate of Public Convenience and Necessity to provide competitive intrastate local exchange services in the non-rural local exchange service areas is approved. Green's is hereby authorized to provide competitive local exchange services in these areas in South Carolina. The terms of the Stipulation between Green's and SCTC are approved, and adopted as a portion of this Order. Any proposal to provide such service to rural service areas is subject to the terms of the Stipulation.
2. Green's shall file, prior to offering local exchange service in South Carolina, a final tariff of its service offerings conforming to all matters discussed with the Staff, and comporting with South Carolina law in all matters.
3. Green's shall, in compliance with Commission regulations, designate and

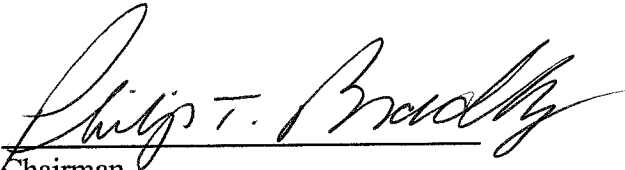
maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relation (complaint) matters, engineering operations, and tests and repairs. In addition, Green's shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. Green's shall file with the Commission the names, addresses, and telephone numbers of those representatives within thirty (30) days of receipt of this Order. (Attachment A shall be utilized for the provision of this information to the Commission.) Further, Green's shall promptly notify the Commission in writing if the representatives are replaced.

4. Green's is directed to comply with all Commission regulations unless expressly waived by the Commission.


5. Green's shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

6. This Order shall remain in full force and effect until further Order of the Commission.

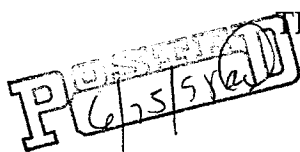
BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Acting Executive Director

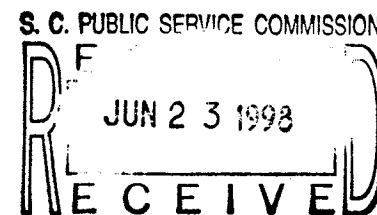
(SEAL)



BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

Docket No. 98-255-C

Re: Application of Green's Jewelers Inc. d/b/a Fast)
Phones for a Certificate of Public Convenience)
and Necessity to Provide Local Exchange Services)
in South Carolina)
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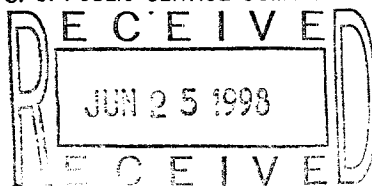


STIPULATION

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and Green's Jewelers d/b/a Fast Phones ("Fast Phones") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, the necessity for SCTC's intervention in this matter is avoided and SCTC withdraws its opposition to Fast Phones Application. SCTC and Fast Phones stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to Fast Phones, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.
2. Fast Phones stipulates and agrees that any Certificate which may be granted will authorize Fast Phones to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.
3. Fast Phones stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.

S. C. PUBLIC SERVICE COMMISSION



RETURN DATE: _____
SERVICE: OK (a)

4. Fast Phones stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until Fast Phones provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, Fast Phones acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. Fast Phones stipulates and agrees that if, after Fast Phones gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law, or the Commission institutes a proceeding of its own, then Fast Phones will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. Fast Phones acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs, and this Stipulation in no way suspends or adversely

affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. Fast Phones agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

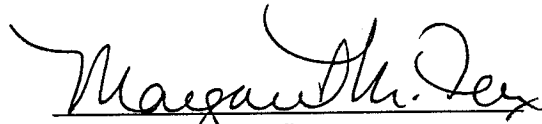
9. Fast Phones hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 23rd day of June, 1998.

Green's Jewelers, Inc.
d/b/a Fast Phones



South Carolina Telephone Coalition:



M. John Bowen, Jr.
Margaret M. Fox
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, South Carolina 29201
(803) 799-9800

Attorneys for the South Carolina
Telephone Coalition

ATTACHMENT A

South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

ALLTEL South Carolina, Inc.
Bluffton Telephone Company, Inc.
Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Cooperative, Inc.
Ft. Mill Telephone Company
Hargray Telephone Company, Inc.
Heath Springs Telephone Company Inc.
Home Telephone Company, Inc.
Horry Telephone Cooperative, Inc.
Lancaster Telephone Company
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
Pond Branch Telephone Company
Ridgeway Telephone Company
Rock Hill Telephone Company
Sandhill Telephone Cooperative, Inc.
St. Stephen Telephone Company
West Carolina Rural Telephone Cooperative, Inc.
Williston Telephone Company

DOCKET NO. 98-255-C - ORDER NO. 98-696
SEPTEMBER 14, 1998
ATTACHMENT A

**INFORMATION OF THE AUTHORIZED UTILITY
REPRESENTATIVES FOR INTEREXCHANGE, LOCAL
AND AOS COMPANIES**

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION
REGULATION 103-612.2.4(b), each utility shall file and maintain with the Commission
the name, title, address, and telephone number of the persons who should be contacted in
connection with Customer Relations/Complaints.

Company Name/DBA Name

Business Address

City, State, Zip Code

Authorized Utility Representative (Please Print or Type)

Telephone Number

Fax Number

E-Mail Address

This form was completed by Signature

If you have any questions, contact the Consumer Services Department at 803-737-5230